

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

SECRETARY OF STATE, Chris)
Nelson,

Civ No. _____

Plaintiff,)

v.)

SUMMONS

PROMISING FUTURE, INC. and)
ROGER W. HUNT,)

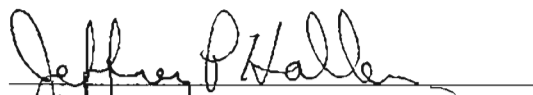
Defendants.)

GREETINGS FROM THE STATE OF SOUTH DAKOTA TO THE ABOVE NAMED
DEFENDANTS:

You are hereby summoned and required to serve upon the
Attorney General, Plaintiff's attorney, whose address is the
Office of the Attorney General, 1301 East Highway 14, Suite 1,
Pierre, South Dakota 57501-8501, a verified answer to the
Complaint, which is herewith served upon you (and will be filed
with the Clerk of the Circuit Court of the Second Judicial
circuit at Sioux Falls, County of Minnehaha, State of South
Dakota), within thirty (30) days after the service of this
Summons and Complaint upon you, exclusive of the date of service.
If you fail to file an answer within thirty days of the date of

service upon you, judgment by default will be taken against you
for the relief as prayed for in the Complaint.

Dated this 27th day of December, 2006.


Jeffrey P. Hallem
Sherri Sundem Wald
Todd A. Love
Assistant Attorneys General
1302 E. Highway 14, Ste. 1
Pierre, SD 57501-8501
Telephone: (605) 773-3215

s-pld_ssw Summons (State v Promising Future Inc)

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

SECRETARY OF STATE, Chris)
Nelson,

Civ No. _____

 Plaintiff,)
v.)

COMPLAINT

PROMISING FUTURE, INC., and)
ROGER W. HUNT,)

Defendants.)

Plaintiff, Secretary of State Chris Nelson, by and through
his undersigned counsel, for his complaint states as follows:

1. Plaintiff brings this action pursuant to SDCL ch.
21-24 seeking a declaration of Defendants' status under SDCL
12-25-1(1A), and filing and reporting obligations under SDCL
12-25-19.1 and SDCL 12-25-13.1.

2. Plaintiff is the duly elected Secretary of State for
the State of South Dakota, who, among other duties and
responsibilities, is required to administer the campaign
financing provisions at SDCL ch. 12-25.

3. Defendant Promising Future, Inc. ("Defendant
Corporation"), is a corporation organized under the laws of the
State of South Dakota.

4. Defendant Roger W. Hunt ("Defendant Hunt"), is a
Minnehaha County resident residing at 48190 265th Street,
Brandon, South Dakota.

5. Defendant Corporation filed its Articles of Incorporation with the Secretary of State's Office on September 14, 2006, and received its Certificate of Incorporation on said date.

6. Defendant Corporation was incorporated by Defendant Hunt, who is Defendant Corporation's Registered Agent, Director, President, Vice-President, Treasurer and Secretary. Defendant Corporation's official address is Defendant Hunt's law office, 1320 E. Rushmore Drive, Suite 108, P.O. Box 827, Brandon, South Dakota 57005. Based upon information and belief, Defendant Hunt is not a shareholder nor equity owner of Defendant Corporation.

7. Based upon information and belief, Defendant Corporation is wholly owned by a single shareholder who directed Defendant Hunt to incorporate.

8. Defendant Corporation's Articles of Incorporation include the following as its stated purposes:

The purpose for which the corporation is organized is to invest in real estate and other commercial ventures; for the advancement and support of public and special activities, causes, events, issues, and entities furthering the general welfare and interests of the people of South Dakota; for education of the public concerning ballot issues; and to engage in and support public and private endeavors, interests, activities, causes, events, programs, and entities in and related to maintaining and preserving traditional family values; and in general to carry on any other lawful business whatsoever in connection with the foregoing or which is calculated directly or indirectly, to promote the interests of the corporation or to enhance the value of its properties. Nothing herein contained shall be deemed to limit or deprive the corporation of the powers and rights

granted to it by the South Dakota Business Corporation Act.

9. South Dakotans for 1215/VoteYesForLife.com

("VoteYesForLife") is a ballot question committee that was organized to support the adoption of HB 1215 which was referred and voted upon at the November 7, 2006, general election, known as "Referred Law 6."

10. On November 2, 2006, the Secretary of State's Office received for filing VoteYesForLife's pre-election campaign finance report, State of South Dakota Committee's Report of Receipts and Expenditures through October 28, 2006. Therein VoteYesForLife reported two separate \$250,000 contributions from Defendant Corporation.

11. VoteYesForLife filed a Supplemental Campaign Finance Report with the Secretary of State, received on November 2, 2006. In that report, VoteYesForLife reported an additional \$250,000 contribution from Defendant Corporation.

12. On or about November 3, 2006, Secretary of State Nelson advised Defendant Hunt that Defendant Corporation was required to file campaign finance reports with his office pursuant to the provisions of SDCL 12-25-19.1 and 12-25-13.1, and that such reports and supplemental reports needed to include the name, address and place of employment of any individual that provided funds to Defendant Corporation that were expended as contributions to VoteYesForLife.

13. On November 3, 2006, the Secretary of State's Office received from Defendant Corporation for filing, via facsimile, a "State of South Dakota Candidates or Committee Report of Receipts and Expenditures" through October 28, 2006, which noted a contribution in the amount of \$500,000 from Defendant Corporation and under Schedule E - Expenditures, Contributions Made to Candidates and Committees, noted an expenditure in the identical amount to VoteYesForLife. This report was signed by Defendant Hunt as Committee Treasurer or Chairperson. A true and correct copy of this campaign finance report is attached as Exhibit A and incorporated herein by this reference.

14. On November 3, 2006, the Secretary of State's Office also received via facsimile a State of South Dakota Supplement Statement of Committee's Report of Receipts in which Defendant Corporation reported a contribution to VoteYesForLife in the amount of \$250,000. This report was signed by Defendant Hunt in the stated capacity of President of Defendant Corporation. A true and correct copy of this supplemental campaign finance report is attached as Exhibit B and incorporated herein by this reference.

15. In the cover letter dated November 3, 2006, to Secretary of State Nelson that was faxed with the two reports, Defendant Hunt stated to the effect that the reports were filed under protest since in his opinion Defendant was not a ballot question committee and as such was not required to file any

campaign finance reports. A true and correct copy of this letter is attached as Exhibit C and incorporated herein by this reference.

16. Defendant Hunt has stated that Promising Future, Inc. is not by law required and will not otherwise identify the source of the \$750,000 Defendant Corporation contributed to VoteYesForLife.

17. Based upon information and belief, the entire \$750,000 that Defendant Corporation contributed to VoteYesForLife was money that the sole shareholder provided to Defendant Corporation for the sole purpose of making the three \$250,000 contributions to VoteYesForLife.

18. Based upon information and belief, the real purpose of Defendant Corporation's creation was to provide a corporate shell by which the sole shareholder that directed Defendant Hunt to incorporate could make anonymous contributions to ballot question committees that supported the passage of Referred Law 6, such as VoteYesForLife.

19. The relevant statutory provisions regarding the filing of campaign financing reports with the Secretary of State for statewide ballot questions are SDCL 12-25-19.1; SDCL 12-25-13.1 and SDCL 12-25-1(1A). SDCL 12-25-19.1 provides:

Any legal or natural person or ballot question committee who is involved in the referral or initiation of any question or proposed constitutional amendment at any general election shall file with the secretary of state by the first day of July in that

year and the last Tuesday prior to any election a detailed statement, complete through the tenth day prior to that election, of all valuable considerations received, obligated or paid by that person or committee, including the fair market value of advertising time, either paid or unpaid. The statement shall itemize all contributions and expenditures and shall include the name, residence address and place of employment of any person who has contributed an aggregate amount of more than one hundred dollars or the equivalent thereof in that calendar year. However, with regard to political action committees, the statement shall include the name of any political action committee that contributed any amount. By February first of each calendar year, that person or committee shall file a detailed statement for the preceding year or the remainder of the calendar year in the manner provided in this section. All reports filed pursuant to this section shall be consecutive and, taken together, shall cover the entire year's receipts and expenditures. A report postmarked on or before the date due is properly filed. A violation of this section is a Class 2 misdemeanor.

SDCL 12-25-13.1 provides:

If any candidate, candidate's committee, ballot question committee, political action committee, or political party committee receives any contribution of five hundred dollars or more within the nine days immediately prior to any election from any individual contributor, such candidate or committee shall fax or deliver to the secretary of state a supplement to the statement required in § 12-25-13 or 12-25-19.1 stating the name, residence address, and place of employment of any individual contributor or the name and address of the committee and the amount of the contribution within forty-eight hours of the receipt thereof. A violation of this section is a Class 2 misdemeanor.

SDCL 12-25-1(1A) provides:

"Ballot question committee," any two or more people who cooperate for the purpose of raising, collecting or disbursing money for the adoption or defeat of any question submitted to the voters at any election.

20. Secretary of State Nelson contends that the conduct of Defendant Hunt, Defendant Corporation and its unknown shareholder constitute a "ballot question committee" under SDCL 12-25-1(1A). Therefore, Defendant Corporation was required to file reports as a "ballot question committee" under SDCL 12-25-19.1 and SDCL 12-25-13.1 including the name, address and place of employment of the shareholder who provided the \$750,000 that was contributed to VoteYesForLife.

21. Defendant Hunt and Defendant Corporation contend that their conduct does not fall within the "ballot question committee" definition. Thus, neither Defendant is required to file any report with the Secretary of State's Office and that even if required, such report is not required to include the name of the person who was the source of \$750,000 Defendant Corporation contributed to VoteYesForLife.

22. That a justiciable controversy ripe for resolution exists between the parties.

23. That this controversy concerns the legal interpretation of the filing and reporting requirements at SDCL 12-25-13.1, 12-25-19.1 and 12-25-1(1A); is a subject for declaratory relief under SDCL 21-24-3; and that such an interpretation, if rendered by the Court, would resolve the current controversy between the parties.

WHEREFORE, Plaintiff, Secretary of State Nelson, prays for a declaratory judgment as follows:

1. A declaration that Defendant Hunt, Defendant Corporation, and the sole shareholder of Defendant Corporation, or any two of the same, constitute a "ballot question committee" under SDCL 25-12-1(1A), and

2. A declaration that Defendant Corporation and/or Defendant Hunt is required to file campaign finance reports with the Secretary of State pursuant to SDCL 12-25-19.1 and SDCL 12-25-13.1; and

3. A declaration that Defendant Corporation and/or Defendant Hunt is required to include in these reports the name, address and place of employment of the individual who provided Defendant money for the purposes of contributing \$750,000 to VoteYesForLife; and

4. Granting Plaintiff judgment for his costs and disbursements; and

5. Granting Plaintiff such other and further relief as the Court deems just and equitable under the circumstance.

Dated this 27th day of December, 2006.

LAWRENCE LONG
ATTORNEY GENERAL



Jeffrey P. Hallem
Sherri Sundem Wald
Todd A. Love
Assistant Attorneys General
1302 E. Highway 14, Ste. 1
Pierre, SD 57501-8501
Telephone: (605) 773-3215



State of South Dakota

Candidate's or Committee's Report of Receipts and Expenditures

Candidates and candidate committees: File in the office where you filed your nominating petition.
PACs, political party, ballot question and other committees: File with Elections Department, Secretary of State's Office,
500 E Capitol Ave., Pierre, SD 57501-5070

See pages 9 & 10 of the Guideline Book for specific instructions on completing this report.

Name of Candidate or Committee Promising Future, Inc.

Complete Mailing Address 1320 E. Rushmore Dr., P.O. Box 827, Brandon, SD 57005

Name of Person Making Report Roger Hunt Daytime Phone Number 605-582-2580

If you are a candidate, what office are you seeking? _____

If you are a ballot question committee, indicate which measure(s) the committee was involved with during the reporting period and whether the measure was supported or opposed.

Supported Referred Law 6

Type of Report (See pages 4 & 5 of Guideline Book) Ballot Question Committee

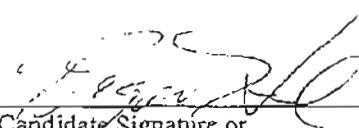
For Reporting Period Ending (See pages 4 & 5 of Guideline Book) October 28, 2006

The following verification must be completed before submitting report.

VERIFICATION OF PERSON MAKING REPORT

I Roger Hunt (print name legibly), certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Date: November 3, 2006



Candidate Signature or
Signature of Committee Treasurer or Chairperson

\$ 500,000.00

Appendix B

Name of Candidate or Committee Promising Future, Inc.

For the reporting period ending October 28, 2006

Schedule A ~ Direct Contributions (continued)

Unitemized Contributions from Political Parties:

*\$ 0.00

Itemized Contributions from Political Parties

Party Name	Address	
		\$
		\$

Total of Itemized Contributions from Political Parties: *\$ 0.00

Itemized Contributions from Political Action Committees (PAC's) - All contributions from PAC's must be itemized.

[illegible]

Total of Itemized Contributions from Political Action Committees: *\$ 0.00

Total of All Direct Contributions (Sum of all lines with an *)	\$ 500,000.00
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Appendix B

Name of Candidate or Committee: Promising Future, Inc.For the reporting period ending: October 28, 2006**Schedule B - Fund-Raising Events Proceeds**

List on this schedule fund-raising events held to raise money for the candidate and the net proceeds derived from each event. If a contributor gives more than \$100 or their contribution results in their aggregate being more than \$100 in the calendar year, those contributions must be itemized on Schedule A.

Type or Name of Event	Net Proceeds
Total: \$ 0.00	

Schedule C - In Kind Contributions

Report all non-cash contributions of goods or services and the estimated fair market value. If the value exceeds \$100, the name of the contributor, residence address and place of employment must be reported.

Nature of Non-Cash Contribution	Name, Residence Address & Place of Employment	Estimated Value
Total: \$ 0.00		

Schedule D - Other Income

Use this schedule to report any refunds, interest earned or other income which is not a direct contribution.

Source of Income	Amount
Total: \$0.00	

Appendix B

Name of Candidate or Committee: Promising Future, Inc.

For the reporting period ending: October 28, 2006

Schedule F - Debts and Obligations

This schedule is to report all of the candidate's campaign obligations which are unpaid at the end of the reporting period. If a service has been contracted but not billed, estimate the amount of the obligation.

[illegible]

Total Obligations: \$ 0.00

Appendix B

Name of Candidate or Committee: Promising Future, Inc.For the reporting period ending: October 28, 2006**Summary Page**

This summary sheet will give a brief outline of all campaign finance activity during this reporting period. Please transfer all totals from the schedules previously completed.

1. Amount on hand, if any, at the beginning of the reporting period: \$ 0.00
2. Receipts
 - Schedule A - Direct Contributions \$ 500,000.00
 - Schedule B - Fund-Raising Events \$ _____
 - Schedule C - In Kind Contributions \$ _____
 - Schedule D - Other Income \$ _____
 - Total of all Receipts \$ 500,000.00
3. Total Monetary Receipts (A+B+D) \$ 500,000.00
4. Candidate's Personal Contribution to Own Campaign \$ _____
5. Monetary Loans to Candidate or Committee During Reporting Period \$ _____
6. Monetary Loans Repaid During Reporting Period \$ _____
7. Expenditures - Schedule E \$ 500,000.00
8. Unpaid Obligations - Schedule F \$ _____
9. Amount on hand at the close of this reporting period. *
This should equal lines (1+3+4+5) - (6+7) \$ 0.00

B



State of South Dakota

Supplemental Statement
of
Committee's Report of ReceiptsStatewide Ballot Question Committee
SUPPORT VoteYesForLife.comPromising Future, Inc.
P.O. Box 827
Brandon, SD 57005
Roger Hunt
(605) 582-2580

RECEIVED

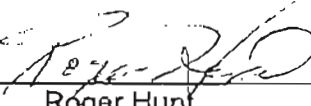
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S.D. SEC. OF STATE

Name	Residence Address	Employment	Amount
Promising Future, Inc.	P.O. Box 827 Brandon, SD 57005	N/A	\$ 250,000.00
TOTAL			\$ 250,000.00

Dated this 3rd day of November, 2006.

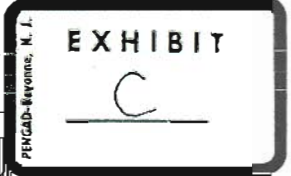
Promising Future, Inc.

By: 

Roger Hunt

Its: President

Filed this 3rd day of
November 06
Chi Nelson
SECRETARY OF STATE

**HUNT LAW OFFICE**

Roger W. Hunt*
*Licensed in SD and CA

1320 E. Rushmore Drive, Suite 108
P.O. Box 827
Brandon, South Dakota 57005
Tel: 605-582-2580
Fax: 605-582-2481
E-MAIL: huntrog7@allhancecom.net

Mary C. Wood
Legal Assistant

Facsimile to 605-773-6580

November 3, 2006

Mr. Chris Nelson
Secretary of State
500 E. Capitol
Pierre, SD 57501

Filed this 3rd day of
November 06
Chris Nelson
SECRETARY OF STATE

Dear Secretary of State:

Thank you for taking time this morning to consider whether a campaign report is required for Promising Future, Inc.. I agree that many of the statutes and regulations concerning our state finance laws are vague and need revision. It was good to learn that even before recent events, you and your office have been working on drafting a complete revision of our state campaign laws. Our citizens are certainly entitled to clear and unambiguous laws.

Enclosed is a Ballot Question Finance Report and Supplemental Statement for donations made by Promising Future, Inc., a South Dakota Corporation, to VoteYesForLife.com. South Dakota is a legal South Dakota corporation with a legal purpose, i.e., investing in real estate and other commercial ventures, promoting the general welfare and interests of the people of South Dakota, and other lawful business conducted in accordance with the South Dakota Business Corporation Act. This report was not submitted previously because it is believed that the donation of Promising Future, Inc., has not caused it to be considered to be a Ballot Question Committee. The definition of a Ballot Question Committee, according to SDCL 12.25.1 (1A), is "any two or more people who cooperate for the purpose of raising, collecting or disbursing money for the adoption or defeat of any question submitted to the voters at any election." Whether a corporation is one person or not is one question which this definition does not clarify. I believe there are other reasons as well as to why a report is not required by our current laws to be submitted by Promising Future, Inc.. However, in the event it should be determined that a report is required, this report and supplement statement are being submitted so that their contents may be made known to the general public prior to the election.

The donation being reported was not solicited by Promising Future, Inc., and the donation was actually made by the corporation with corporation funds. As you are aware, this donation has also been reported on the Campaign Finance Report submitted by VoteYesForLife.com several days ago.

Ltr to Mr. Chris Nelson
November 3, 2006
Page Two

This corporation has not and does not solicit contributions from any individuals or businesses in support of any ballot issue or candidate for office. Promising Future, Inc., has made this contribution from its capital, in support of Referred Law 6 and the protection of the lives of over 800 unborn children in South Dakota annually; and in support of the great need to protect the health of women from the many, many post abortion problems experienced by women having abortions.

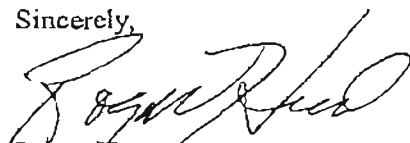
I have publicly stated that there is an attorney client privilege involved in this matter and have previously asserted that privilege relative to Promising Future, Inc.. Nevertheless, in compliance with the spirit and the letter of our existing campaign laws, and on behalf of Promising Future, Inc., please file the enclosed report and supplemental statement.

It would be greatly appreciated if you would please attach and post a copy of this letter with our report and supplemental statement.

If you have any questions, please contact my office accordingly.

Thank you.

Sincerely,



Roger Hunt
President, Promising Future, Inc.

mw
encl